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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,096	03/06/2002	Scott Donnel	47607/CM/C945	8479

7590 08/04/2004  
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San Francisco, CA 94111-4067

EXAMINER

WEINSTEIN, STEVEN L

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/092,096

**Applicant(s)**

DONNEL ET AL.

**Examiner**

Steven L. Weinstein

**Art Unit**

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/10/04
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7-21, 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7-21, 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10, 14-21, 24-26, 28 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al ('597) in view of Adelman (1,206,494), Demuth (1,432,161), Ikeuchi et al. ('341), Durso ('447), Petitbout (FR '682), Jaeger et al (Ep '328), Lewis ('980), Sell et al ('681), Briggs (1,676,816) and Macasaet (5,671,658), essentially for the reasons given previously in the Office action mailed 6/23/03 and 2/9/04.

In regard to claim 1, Kramer et al discloses a method for processing meat products comprising providing a first member (the mold /die cavity 10) comprising a first surface defining a concavity and having a plurality of protrusions (10) extending from said first surface and arranged in a first netting pattern, providing a second member which can also have a plurality of protrusions arranged in a second netting pattern (e.g. col. 3, para 3), providing a meat which has a predefined shape, heating the member 5 and forming the impresses netting patterns on the meat and cooking the meat to a desired state. Note that the mold may have heating elements that induce a set to the meat product (col. 2, line 65 plus). Thus, Kramer et al teaches a method of processing meat wherein meat is placed in a mold having a netting pattern and with pressure and heat, the netting pattern is impressed and set on the surface of the meat to simulate the marks left in the traditional processing of meat placed in nets. This is exactly applicants

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objective and for the most part applicants solution. Claim 1 differs from Kramer et al only in the particular type and shape of mold employed. However, the shape of the mold and type of mold that is recited is conventional. As recited, applicant employs a conventional two piece, hinged mold wherein both mold halves have similar shapes and sizes. Note that Kramer et al has shown a bottom mold with a cavity and a second element that imparts a flat surface to one side of the meat. Since Kramer et al discloses that the surface too can be given a net-like appearance, then it too must have been in contact with a second molding element that imparts the net-like appearance. As evidenced by Ikeuchi et al, Adelman, Demuth, Durso, Pettibout, Jaeger, Lewis, Sell et al, Briggs and Macasaet, it is ~~not~~ notoriously old in the art to employ two or more piece molds, with or without pattern imparting inner surface protrusions to mold/shape food products and especially meats. For example, Ikeuchi discloses a two part hinged mold of equal size and shape wherein the inner surface has projections which imparts indentations to the molded food product. Adelman, newly cited, teaches a two piece mold having inner surface projection which imparts recesses in the molded meat to give the appearance that the meat was tied with cord which is similar to applicants and Kramer et al net-like pattern differing only in the design of the pattern. Demuth, another reference newly cited, also employs a two piece mold that imparts a grooved pattern to a shaped meat. Briggs, another reference newly cited, also teaches a process of forming a grid or net-like pattern on a piece of meat by molding/compressing, whereas, Macasaet discloses a two piece hinged, pattern containing mold. To modify Kramer et al and substitute a conventional, hinged two piece mold having substantially equal size

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and shape pieces for the mold of Kramer et al for its art recognized and applicants intended function is seen to have been an obvious matter of design i.e. an obvious function of the final shape one wishes to impart to the meat –i.e. one that is substantially symmetrically such as Ikeuchi, Adelman, Demuth, Durso, Petitbout etc. or one that has a relatively flat side (or one in between wherein the mold at least transversely) imparts a specific recognizable nonsymmetric shape (at least transversely) such as Lewis. Claim 1 also recites that the meat has “a predefined” shape. This phrase is not particularly clear, but to expedite prosecution, it is assumed this means at the time the meat is placed in a mold. As evidenced by Kramer et al, Adelman, Demuth, Sell et al, etc, the art is replete with examples of shaping/molding meat having a pre-defined shape. In regard to the step of pivotally closing and pivotally opening, as noted above, pivotally connected and thus movable mold sections are notoriously old in the art as evidenced, for example, by Ikeuchi et al and Jaeger.

Claims 11-13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Uotani (Jp'257) for the reasons given previously, further in view of Tatosian (1,936,649), Lanier et al (1,257,498), Tatosian (2,138,247), Stickle (4,530,275), Cope (4,719,849) and Hilvitz et al (3,667,372), all of whom are relied on to teach it was notoriously old to employ multiple two piece hinged molds associated with a conveyor for continuously shaping and cooking food products and to modify the combination and provide a continuous heating system associated with a conveyor conveying a plurality of two piece molds for its art recognized and applicants intended function would therefore be clearly obvious.

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Applicants remarks filed 5/10/04 have been fully and carefully considered but are seen to be moot in view of the new grounds of rejection. It is noted however that applicant continues to argue each reference separately instead of addressing the combination.

The remainder of the references cited on the USPTO 892 form are cited as art of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Weinstein whose telephone number is (571) 272-1410. The examiner can normally be reached on Monday-Friday 7:00am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

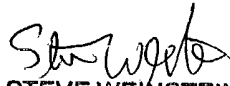
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S. Weinstein/af  
August 3, 2004

1/23

  
STEVE WEINSTEIN  
PRIMARY EXAMINER 1761  
8/4/04